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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOYCE HERNANDEZ, an individual,

Plaintiff,

v.

WALMART, INC., a Delaware corporation;
and DOES 1-50, inclusive,

Defendants.

Case No. 1:23-cv-01355-KES-SKO

**STIPULATION AND ORDER
REGARDING MODIFICATION OF FACT
DISCOVERY DEADLINE**

Complaint Filed: June 20, 2023
Removal Date: September 13, 2023

TO THE COURT:

COMES NOW Plaintiff Joyce Hernandez and Defendant Walmart Inc., (collectively the “Parties”), by and through their counsel of record, and stipulate as follows:

WHEREAS, on September 13, 2023, Defendant removed this matter to this Court pursuant to 28 U.S.C. § 1446(a);

1 WHEREAS, following this matter's reassignment to No District Court Judge (NODJ) on
2 December 1, 2023, the Court continued, pursuant to Stipulation of the Parties, the Initial Scheduling
3 Conference to January 30, 2024, which was then reset to February 1, 2024;

4 WHEREAS, the Court held a telephonic Scheduling Conference on February 1, 2024 and
5 issued a Scheduling Order (Doc. 18) the same date;

6 WHEREAS, on March 14, 2024, this matter was reassigned from No District Court Judge
7 (NODJ) to Judge Kirk E. Sherriff;

8 WHEREAS, since February 2024, the Parties have been engaged in cooperative written
9 discovery and have exchanged document productions;

10 WHEREAS, the Parties additionally agreed to an ESI search in May 2024, which took
11 several months to perform;

12 WHEREAS, Defendant produced a voluminous ESI production on or about September 4,
13 2024;

14 WHEREAS, following the production, the Parties are in the process of scheduling party
15 depositions to occur this Fall;

16 WHEREAS, the Parties require additional time to complete the depositions and related
17 discovery;

18 WHEREAS, the Parties intend to schedule a private mediation to occur following the
19 completion of the party depositions and related discovery;

20 NOW, THEREFORE, the Parties hereby stipulate to, and respectfully request, a modification
21 of the current Scheduling Order to allow for the completion of fact discovery and participation in a
22 private mediation, as follows:

- 23 1. The current fact discovery deadline of September 27, 2024 is continued to January 31, 2025
24 (to account for unavailability of witnesses, counsel trial schedules, and holiday/vacation
25 schedules);
- 26 2. The current expert disclosure deadline of October 11, 2024, is continued to February 7, 2025;
- 27 3. The current rebuttal expert disclosure deadline of October 25, 2024, is continued to February
28 21, 2025;

4. The current expert discovery deadline of November 22, 2024, is continued to May 2, 2025;
5. The current non-dispositive motion filing deadline of December 6, 2024, is continued to March 10, 2025;
6. The current non-dispositive motion hearing deadline of January 15, 2025, is continued to April 14, 2025;
7. The current dispositive motion filing deadline of December 13, 2024, is continued to March 10, 2025;
8. The current dispositive motion hearing deadline of January 20, 2025, is continued to April 14, 2025; and
9. The current Pre-Trial Conference is continued from April 14, 2025 to April 25, 2025.
10. The deadline to provide proposed settlement conference dates shall remain March 10, 2025, and the trial date shall remain June 10, 2025.

IT IS SO STIPULATED.

Dated: September 30, 2024

**CONSTANGY, BROOKS, SMITH,
& PROPHETE LLP**

By: /s/ Cody Lee Saal
Terry L. Higham
Cody Lee Saal
Attorneys for Defendant
WALMART, INC.

Dated: September 30, 2024

BROCK & GONZALES, LLP

By: /s/ Douglas B. Hays
Douglas B. Hayes
Kendall Weaver
Attorneys for Plaintiff
JOYCE HERNANDEZ

ORDER

Having read the foregoing Stipulation of the Parties (Doc. X),¹ and good cause appearing, the Scheduling Order (Doc. 18) is hereby modified as follows:

1. The fact discovery deadline is continued to January 31, 2025;
2. The expert disclosure deadline is continued to February 7, 2025;
3. The rebuttal expert disclosure deadline is continued to February 21, 2025;
4. The expert discovery deadline is continued to May 2, 2025;
5. The non-dispositive motion filing deadline is continued to May 12, 2025;
6. The non-dispositive motion hearing deadline is continued to June 16, 2025;
7. The dispositive motion filing deadline is continued to May 19, 2025;
8. The dispositive motion hearing deadline is continued to June 12, 2025;
9. The Pre-Trial Conference is continued to October 6, 2025;
10. The trial is continued to December 2, 2025.

The deadline to provide proposed settlement conference dates is Wednesday, September 3, 2025.

IT IS SO ORDERED.

Dated: **September 30, 2024**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

¹ Some of the parties' requested dates have been adjusted to accommodate the Court's schedule.